

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE DAKMAK, as Trustee for the
Bankruptcy Estate of Caroline M. Miller,

Plaintiff,

Case No. 08-13114

v.

Honorable Patrick J. Duggan

R.D. CHERRY, INC.,

Defendants,

_____ /

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on June 8, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This action arises from Caroline M. Miller's¹ employment with R.D. Cherry, Inc. ("Defendant"), also known as Cherry Optical. Miller worked at Cherry Optical from 1996 to 2000 and then again from 2004 until October 2007. Miller alleges that, during her second period of employment with Cherry Optical, her supervisor subjected her to sexual harassment in violation of Title VII and Michigan's Elliott Larsen Civil Rights Act ("ELCRA").

¹ George Dakmak, trustee for the bankruptcy estate of Caroline M. Miller, substituted in as party plaintiff on March 4, 2009.

Presently before the Court is Defendant's motion for summary judgment, filed on March 13, 2009.² The motion has been fully briefed and the Court held a hearing on June 3, 2009. Having considered the parties' arguments, the Court concludes that there remain genuine issues of material fact that must be determined by a jury. For this reason and for the reasons set forth on the record at the hearing on June 3, 2009, the Court denies Defendant's motion for summary judgment.

Accordingly,

IT IS ORDERED that Defendant's Motion for Summary Judgment is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Joey S. Niskar, Esq.
Sharon A. DeWaele, Esq.

²Defendant filed an amended motion for summary judgment on March 16, 2009, that included pinpoint citations to deposition transcripts that were not previously available.